

FIRST REGULAR SESSION

# HOUSE BILL NO. 467

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REIBOLDT.

1267H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 537.325, RSMo, and to enact in lieu thereof one new section relating to livestock activities.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 537.325, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.325, to read as follows:

537.325. 1. As used in this section, unless the context otherwise requires, the following words and phrases shall mean:

(1) "Engages in an equine activity", riding, training, assisting in medical treatment of, driving or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or any person involved in show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area;

(2) "Equine", a horse, pony, mule, donkey or hinny;

(3) "Equine activity":

(a) Equine shows, fairs, competitions, performances or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games and hunting;

(b) Equine training or teaching activities or both;

(c) Boarding equines;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (d) Riding, inspecting or evaluating an equine belonging to another, whether or not the  
18 owner has received [some] **or currently receives** monetary consideration or other thing of value  
19 for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect  
20 or evaluate the equine;

21 (e) Rides, trips, hunts or other equine activities [of any type] however informal or  
22 impromptu that are sponsored by an equine activity sponsor; and

23 (f) Placing or replacing horseshoes on an equine;

24 (4) "Equine activity sponsor", an individual, group, club, partnership or corporation,  
25 whether or not operating for profit or nonprofit, **legal entity**, or any employee thereof, which  
26 sponsors, organizes or provides the facilities for, an equine activity, including but not limited to  
27 pony clubs, 4-H clubs, hunt clubs, riding clubs, school- and college-sponsored classes, programs  
28 and activities, therapeutic riding programs and operators, instructors and promoters of equine  
29 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs and arenas at  
30 which the activity is held;

31 (5) "Equine professional", a person engaged for compensation, or an employee of such  
32 a person engaged:

33 (a) In instructing a participant or renting to a participant an equine for the purpose of  
34 riding, driving or being a passenger upon the equine; or

35 (b) In renting equipment or tack to a participant;

36 (6) "Inherent risks of equine **or livestock** activities", those dangers or conditions which  
37 are an integral part of equine **or livestock** activities, including but not limited to:

38 (a) The propensity of any equine **or livestock** to behave in ways that may result in injury,  
39 harm or death to persons on or around it;

40 (b) The unpredictability of any equine's **or livestock's** reaction to such things as sounds,  
41 sudden movement and unfamiliar objects, persons or other animals;

42 (c) Certain hazards such as surface and subsurface conditions;

43 (d) Collisions with other equines, **livestock**, or objects;

44 (e) The potential of a participant to act in a negligent manner that may contribute to  
45 injury to the participant or others, such as failing to maintain control over the animal or not  
46 acting within his ability;

47 (7) "**Livestock**", the same as used in section 277.020;

48 (8) "**Livestock activity**":

49 (a) **Grazing, herding, feeding, branding, milking, or other activity that involves the**  
50 **care or maintenance of livestock;**

51 (b) **A livestock show, fair, competition, or auction;**

52 (c) **A livestock training or teaching activity;**

53 (d) **Boarding livestock; and**

54 (e) **Inspecting or evaluating livestock;**

55 (9) **"Livestock activity sponsor", an individual, group, club, partnership or**  
56 **corporation, whether operating for profit or nonprofit, legal entity, or any employee**  
57 **thereof, which sponsors, organizes, or provides the facilities for a livestock activity;**

58 (10) **"Livestock facility", a property or facility at which a livestock activity is held;**

59 (11) **"Livestock owner", a person who owns livestock that is involved in livestock**  
60 **activity;**

61 (12) **"Participant", any person, whether amateur or professional, who engages in an**  
62 **equine activity or a livestock activity, whether or not a fee is paid to participate in the equine**  
63 **activity or livestock activity.**

64 2. Except as provided in subsection 4 of this section, an equine activity sponsor, an  
65 equine professional, **a livestock activity sponsor, a livestock owner, a livestock facility, a**  
66 **livestock auction market, any employee thereof**, or any other person or corporation shall not  
67 be liable for an injury to or the death of a participant resulting from the inherent risks of equine  
68 **or livestock** activities and, except as provided in subsection 4 of this section, no participant or  
69 a participant's representative shall make any claim against, maintain an action against, or recover  
70 from an equine activity sponsor, [an] equine professional, **livestock activity sponsor, livestock**  
71 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person  
72 from injury, loss, damage or death of the participant resulting from any of the inherent risks of  
73 equine **or livestock** activities.

74 3. This section shall not apply to the horse racing industry as regulated in sections  
75 313.050 to 313.720. This section shall not apply to any employer-employee relationship  
76 governed by the provisions of, and for which liability is established pursuant to, chapter 287.

77 4. The provisions of subsection 2 of this section shall not prevent or limit the liability  
78 of an equine activity sponsor, [an] equine professional, **livestock activity sponsor, livestock**  
79 **owner, livestock facility, livestock auction market, any employee thereof**, or any other person  
80 if the equine activity sponsor, equine professional, **livestock activity sponsor, livestock owner,**  
81 **livestock facility, livestock auction market, any employee thereof**, or person:

82 (1) Provided the equipment or tack and knew or should have known that the equipment  
83 or tack was faulty and such equipment or tack was faulty to the extent that [it did cause] **the**  
84 **equipment or tack caused** the injury; or

85 (2) Provided the equine **or livestock** and failed to make reasonable and prudent efforts  
86 to determine the ability of the participant to engage safely in the equine activity **or livestock**  
87 **activity** and determine the ability of the participant to safely manage the particular equine **or**

88 **livestock** based on the participant's age, obvious physical condition or the participant's  
89 representations of his **or her** ability;

90 (3) Owns, leases, rents or otherwise is in lawful possession and control of the land or  
91 facilities upon which the participant sustained injuries because of a dangerous latent condition  
92 which was known to the equine activity sponsor, equine professional, **livestock activity sponsor,**  
93 **livestock owner, livestock facility, livestock auction market, any employee thereof,** or person  
94 and for which warning signs have not been conspicuously posted;

95 (4) Commits an act or omission that constitutes willful or wanton disregard for the safety  
96 of the participant and that act or omission caused the injury;

97 (5) Intentionally injures the participant;

98 (6) Fails to use that degree of care that an ordinarily careful and prudent person would  
99 use under the same or similar circumstances.

100 5. The provisions of subsection 2 of this section shall not prevent or limit the liability  
101 of an equine activity sponsor [or an] , equine professional , **livestock activity sponsor, livestock**  
102 **owner, livestock facility, livestock auction market, or any employee thereof** under liability  
103 provisions as set forth in any other section of law.

104 6. Every equine activity sponsor **and livestock activity sponsor** shall post and maintain  
105 signs which contain the warning notice specified in this subsection. Such signs shall be placed  
106 in a clearly visible location on or near stables, corrals or arenas where the [equine professional]  
107 **equine activity sponsor or livestock activity sponsor** conducts equine **or livestock** activities  
108 if such stables, corrals or arenas are owned, managed or controlled by the [equine professional]  
109 **equine activity sponsor or livestock activity sponsor**. The warning notice specified in this  
110 subsection shall appear on the sign in black letters on a white background with each letter to be  
111 a minimum of one inch in height. Every written contract entered into by an equine professional  
112 [and] , equine activity sponsor, **livestock activity sponsor, livestock owner, livestock facility,**  
113 **livestock auction market, or any employee thereof** for the providing of professional services,  
114 instruction or the rental of equipment [or] , tack, or an equine to a participant, whether or not  
115 the contract involves equine **or livestock** activities on or off the location or site of the equine  
116 professional's [or] , equine activity sponsor's **or livestock activity sponsor's** business, shall  
117 contain in clearly readable print the warning notice specified in this subsection. The signs and  
118 contracts described in this subsection shall contain the following warning notice:

119 **WARNING**

120 Under Missouri law, an **equine activity sponsor,** equine professional, **livestock**  
121 **activity sponsor, livestock owner, livestock facility, livestock auction market,**  
122 **or any employee thereof** is not liable for an injury to or the death of a participant

123 in equine **or livestock** activities resulting from the inherent risks of equine **or**  
124 **livestock** activities pursuant to the Revised Statutes of Missouri.

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